

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
<b>Vs.</b>	§	<b>CRIM. ACTION 6:12CR58(10)</b>
<b>ANDREW WILLARD TARVER</b>	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-styled matter was referred to the Honorable K. Nicole Mitchell, United States Magistrate Judge, for administration of a guilty plea under Rule 11 of the Federal Rules of Criminal Procedure. Judge Mitchell conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued her Report and Recommendation. Judge Mitchell recommended that the Court permit withdrawal of the plea entered on May 2, 2013 pursuant to Fed.R.Crim. P. 11(d)(2)(B), accept Defendant's guilty plea entered on October 28, 2013, and conditionally approve the Fed.R.Crim.P. 11(c)(1)(C) plea agreement. She further recommended that the Court finally adjudge Defendant as guilty of a lesser included charge of Count 1 of the Indictment filed against Defendant in this cause.

In open court at the plea hearing on October 28, 2013, the parties waived their right to object to the magistrate judge's findings. The Court is of the opinion that the Report and Recommendation should be accepted. It is accordingly

**ORDERED** that the Report and Recommendation of the United States Magistrate Judge is **ADOPTED**. It is further

**ORDERED** that the plea entered on May 2, 2013 is **WITHDRAWN** pursuant to Fed.R.Crim.P. 11(d)(2)(B).

**ORDERED** that Defendant's guilty plea entered on October 28, 2013 is accepted and approved by the Court. Further, the plea agreement is approved by the Court, conditioned upon a review of the presentence report. It is finally

**ORDERED** that, pursuant to Defendant's plea agreement, the Court finds Defendant **GUILTY** of a lesser included charge of Count 1 of the **Indictment** in the above-numbered cause and enters a **JUDGMENT OF GUILTY** against the Defendant as to a lesser included charge of Count 1 of the **Indictment**.

So **ORDERED** and **SIGNED** this 28th day of October, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**